

an act to amend Article 702 of the Code of Criminal Procedure, and a House substitute, have considered the subjects and have come to the following understanding:

The Committees recommend that the bill as passed by the Senate be adopted in place of the substitute of the House, and that thus the bill be passed.

John T. Harcourt, Chairman
Senate Committee

M. H. Bowers, Chairman
House Committee

A bill to amend an act to regulate publication notices in certain cases. Read 2nd time and indefinitely postponed.

Joint resolution relative to the purchase of supplies from quartermasters or commissaries. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill supplementary to an amendatory of an act to establish a Code of Criminal Procedure. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to amend 12th and 24th sections of an act to authorize county courts to regulate roads, appoint overseers, etc. Read 2nd time, the report of Committee on State Affairs recommending its indefinite postponement. Report laid on table and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley introduced a bill to establish the salary of the Chief Clerk of the Treasurer's office. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The Senate then adjourned until 9 o'clock A.M. on Monday next.

Monday, November 14, 1864
9 o'clock A.M.

Senate met, roll called, quorum present.

Mr. Lea, Chairman of Finance Committee, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill from the House styled a bill to be entitled an act to

repeal an act and part of an act therein named, has considered the subject and now reports the bill with a substitute, and recommends that the latter be adopted and passed.

The Committee recommends this measure both for its intrinsic propriety and as one means of adjusting a connected system of measures now before the Legislature, the adoption of which, in substance, appears to have become necessary for the financial credit of the State and its paper, and for support of dependents of Texan soldiers.

Pryor Lea, Chairman

The following report was presented:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled an act concerning the distribution of cloth from the Penitentiary.

An act to extend the time for the redemption of land sold or to be hereafter sold for taxes.

An act to insure correct returns of assessment rolls to the Comptroller's office.

The same being properly signed has been presented to the Governor for his approval.

D. C. Dickson, Chairman

Mr. Ford, Chairman of Committee on Military Board, made the following report:¹⁵

Mr. Harcourt made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has duly considered a bill to be entitled an act to amend Article 773B of the Penal Code, and instruct me to report that the object of the amendment is to arrest an evil practice of some transient persons in the western part of the State who are not citizens of this State and who take advantage of the times—obtain money from our citizens, under the premise of performing certain personal service, and then leave the State without complying with their engagements.

I am directed to report the accompanying substitute and recommend its adoption and the passage of the bills.

John T. Harcourt, Chairman

The report was taken up. Bill read 2nd time, a substi-

¹⁵This report cannot be located in the Archives.

tute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The report of Committee on Finance made this morning was on motion taken up. Bill read 2nd time, substitute adopted.

Mr. Kinsey offered the following amendments: Amend the 2nd section by striking out all in the said section after the word "operative" in the 6th line and insert "for more than five hundred thousand dollars in Texas Treasury Warrants which shall be forthwith paid, and that the amount to be paid as one appropriation for the support of the dependents of soldiers' families for the year 1865, shall be paid in Confederate Treasury Notes of the new issue, \$500,000 of which shall be paid on the 1st day of March, 1865, and \$500,000 on the 1st day of September of the same year.

Mr. Hartley offered to amend the amendment by striking out the 2nd section of the bill. Lost. The question recurring, Mr. Kinsey's amendment was taken and the amendments were laid on table.

Mr. Harcourt then offered the following amendment which was lost: Strike out after the words "might be made" in the 1st section the words, "in liabilities of the State, either by Comptroller's Warrants in its Treasury or by its Bonds including their coupons at par with specie." And insert in lieu thereof, "Confederate Treasury Notes of the new issue."

Mr. Dickson moved to strike out all that portion of the bill which authorizes issuing Treasury Warrants for support of soldiers' families for 1865.

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Ford, Harcourt, Hartley, Holland, Jowers, Kinsey, Maxey, Moore of Davis, Parsons, Shepard, Throckmorton, and White—17.

Nays—Messrs. Guinn, Haskell, Hord, Knox, Lea, and Wootten—6.

The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley introduced a bill to authorize the County Court of Galveston County to borrow money to support the indigent persons of said county. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Shepard offered the following: a joint resolution rescinding the time fixed for adjournment.

Mr. Shepard, Chairman of Committee on State Affairs, recommended the passage of a bill making an appropriation for inclosing the State Cemetery, with following amendment: Strike out "Ten" and insert "Two."

The following report was presented:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled an act to authorize the Treasurer of the State to employ some competent person to sign his name in certain cases and making an appropriation therefor an act supplementary to an act entitled an act to regulate proceedings in the county courts, approved March 28, 1848.

An act to incorporate the Houston City Mills Manufacturing Company.

An act supplementary to and amendatory of an act entitled an act to incorporate the Guadalupe Manufacturing Company.

An act to authorize the Comptroller to audit and settle the accounts of L. P. Strong for subsidizing the Tonkawa Indians.

An act making an appropriation to pay the contingent expenses of the 2nd Extra Session of the 10th Legislature.

An act making an appropriation to pay the mileage and the per diem of members, and the per diem of officers of the second Extra Session of the 10th Legislature.

An act to incorporate the Houston Paper Mill Manufacturing Company.

An act amendatory of an act entitled an act to incorporate the Galveston and Houston Junction Railroad Company, approved April 8, 1861, and to amend said act, approved February 28, 1863.

An act to amend the 12th and 24th sections of an act to authorize and require county courts to regulate roads.

An act supplementary to an act entitled an act regulating juries, approved May 4, 1846.

An act supplementary to and amendatory of an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856.

All of which being properly signed were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

A bill to repeal the 1st section of an act to suspend the location, survey, and sale of the public domain except in certain cases. Read 2nd time. The report of Committee on Public Lands recommending that the bill do not pass was adopted.

A bill to reorganize the 17th Judicial District. Read 2nd time. Mr. Harcourt offered a substitute which was adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to protect persons in the right to consult counsel in certain cases. Read 2nd time and passed to 3rd reading. Read 3rd time and passed.

A bill to repeal certain laws therein named. Read 2nd time. Mr. Throckmorton offered a substitute which was adopted. Mr. Ford moved to strike out all in relation to the purchase and importation of medicines. Lost, and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed by the following vote:

Yeas—Messrs. Burney, Davis, Ford, Guinn, Haskell, Jordan, Jowers, Knox, Lea, Maxey, Moore of Davis, Shepard, Throckmorton, Wootten, and White—15.

Nays—Messrs. Charlton, Dickson, Harcourt, Hartley, Holland, Hord, Kinsey, Parsons, and Selman—9.

Mr. Shepard made the following report:
To the Honorable F. S. Stockdale, President of the Senate:

The Committee on State Affairs to whom was referred the following bills, viz, a bill making appropriation to cover and repair the Executive Mansion.

A bill to abolish the Military Board to provide for closing up the business thereof.

A joint resolution relative to cotton and wool cards.

Also a petition of John M. Moore.

We have for want of time been unable to consider the said bills and resolution and memorial with that care which their importance merits. The Committee therefore have instructed me to report the same back to the Senate for their consideration and request that the Committee be discharged from further consideration of the same, and recommend the passage of a bill to incorporate the Austin Iron Company.

C. B. Shepard, Chairman

The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to authorize the Governor to purchase 80,000 pair of cotton and 20,000 pair of wool cards. Read 1st time. Rule suspended. Read 2nd time. Mr. Harcourt moved to indefinitely postpone. Carried.

The following report was presented:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred the following subjects, now returns them to the Senate and asks to be discharged from further consideration of them because each of them has been embraced in other measures which have received such action as to supercede the necessity for any further action or report of this Committee.

A bill to be entitled an act to prescribe what kind of funds shall be received in the payment of certain taxes, from the House.

A Senate bill prohibiting the further issuance of Treasury Warrants.

Two petitions, one from Goliad County, and another from Fayette County, concerning support for soldiers' families.

Two petitions for repeal of what is called the liquor law.

And a joint resolution concerning adjournment.

The Committee has no other subjects under consideration and thus clears its table of all subjects which have been referred to it.

Pryor Lea, Chairman

Mr. Maxey introduced a bill supplementary to an act to provide more effectually for the support and maintenance of families and dependents of Texas soldiers. Read 1st time. Rule suspended. Read 2nd time. Mr. Kinsey moved to strike out 500,000 and insert 100,000. Mr. Hartley offered a substitute for the bill and amendment. The bill and amendments and substitute was made special order for 10 o'clock P.M.

Mr. Jowers introduced a bill fixing the salary of private secretary of the Governor and making an appropriation therefor. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill to incorporate the Holly Springs Manufacturing Company. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Mr. Ford moved to strike out the words "corn meal and flour." Carried. Rule suspended. Read 3rd time and passed by a constitutional majority.

The following communication from the Governor was read:¹⁶

Executive Department

Austin, November 14, 1864

Senators and Representatives:

I feel it my duty to announce to you officially that the Financial Agent of the Penitentiary has in his possession five hundred thousand dollars or more, in Confederate Notes of the new issue collected for the products of the Penitentiary sold. This fact has been made known to me since you assembled here and as it may have an influence upon your legislation upon the finances, I deem it my duty to make it known to you.

If Treasury Warrants are to be issued under any plan that will cause them to be sacrificed in the market and the credit of the State thereby depreciated it would be better that these Confederate Notes should be used to accomplish the objects proposed by the issuance of Treasury Warrants rather than use those Warrants under any system which will cause them to be at a low value in market.

It is proposed to issue Treasury Warrants to meet the appropriation for the support of the dependents of officers and soldiers due in September last. I have no reserve in saying that it would be a better policy to use the Confederate Notes of the new issue for this purpose than to issue State Treasury Warrants under any system that will not, from the date of its adoption, cause them to be valued in market in comparison with specie at fifty cents or more on the dollar. If the credit of the State is to be used at all for the support of the State government and for the support of the families of soldiers, let it be so used that its promises will be received and regarded at par, or an approach to it in the market and in trade.

If a system of this kind cannot be adopted by the Legislature, issue no Treasury Warrants, provide in some way

¹⁶This message is taken from Executive Record Book No. 280, 1863-1865, pp. 166-168 (Archives Division, Texas State Library).

for the support of the families of soldiers, and rely for the other necessities of the government upon the Confederate currency.

Statement of Confederate Notes, Old Issue, in the Treasury of the State of Texas, subject to be funded and exchanged		
In \$100.00 notes received before July 1, 1864		1,626,300.00
In \$50's, \$20's, and \$10's received before July 1 and \$5's re- ceived before October 1, 1864		915,197.69
Total amount received before July 1 and October 1, 1864		2,541,497.69
One half of the above amount to be funded at par, in coupon non-taxable bonds payable in 20 years with interest at 4% per annum payable half year- ly, under act of June 14, 1864	1,270,748.84	
One half to be exchanged from New Issue, under act of June 14, 1864		1,270,748.85
Received in \$50's, \$20's, and \$10's after July 1, 1864	274,613.73	
subject to discount of 33%	91,537.91	
To be exchanged for New Issue under act of February 17, 1864	183,075.82	183,075.82
Total amount to be exchanged		1,453,824.67

I certify that the above statement is correct.

Comptroller's Office

Austin, December 31, 1864

W. S. Robards, Comptroller

P. Murrah

A bill to provide for the publication of a synopsis of decisions of Supreme Court. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Dickson moved to take up a bill to abolish the Military Board and to provide for closing up the business thereof. Carried. Bill read 2nd time and made special order for 10 o'clock P.M.

A bill to amend 1st section of an act to regulate the manner of liquidating claims under appropriations made by the Legislature approved May 28, 1864. Read 2nd time. Mr. Harcourt moved ot strike out "Treasury Warrants" and insert "Confederate Treasury Notes of the new issue." Laid on table informally.

The following report was presented:

Report of Committee of Confederate Relations on bill to repeal an act and part of an act therein named.¹⁷

Report adopted, Mr. Hartley voting nay.

The following report was then presented:

President of the Senate:

The Committee of Conference on the House bill to be entitled an act to repeal an act and part of an act therein named, and the Senate's bill as a substitute therefor, have considered the same, and have agreed to recommend the Senate to recede from its bill and as a part of the same series of measures for the support of soldiers' families would recommend to the Senate to pass the House bill amendatory of the bill to distribute the Penitentiary cloths.

J. W. Throckmorton, Chairman

Senate Committee

D. M. Prendergast, Chairman

House Committee

A bill to allow the use of the Penitentiary for the confinement of convicts from the states of Louisiana, Arkansas, and Missouri. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Joint resolution in relation to frontier organization. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to amend 1st section of an act to regulate the manner of liquidating claims under appropriations made by the Legislature, approved May 28, 1864. The question being on the adoption of Mr. Harcourt's amendment, Mr. Guinn moved a call of the Senate which was sustained. The Senate not being full, the Senate proceeded to consider a bill to incorporate the Southern Minerva Institute. Read 2nd time, amendment of Committee on Education adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed by constitutional majority.

¹⁷This report cannot be located in the Archives.

The following report was presented, taken up, and considered and adopted:

To the Honorable F. S. Stockdale, President of the Senate, and the Honorable M. D. K. Taylor, Speaker of the House:

The Committees of Free Conference between the two Houses, to which were referred a House bill to be entitled an act to raise revenue by levying an occupation tax on the distillation and sale of spiritous liquors, and an income tax on the sale of spiritous, malt, and vinous liquors, and the Senate's substitute, a bill to be entitled an act to raise revenue from occupation, income, and poll taxes, have considered the subjects, and now report that they recommend the adoption and passage of the Senate's substitute, with the following amendments:

In Section 8, after the word "merchant" insert "whose business may be wholesale, retail, or commission." Then strike out "five" and insert "three."

In Section 8, strike out the clause concerning tannery.

In Section 9, as to Negro traders, strike out "fifty" and insert "two hundred."

In Section 9, strike out "one hundred dollars" and insert "one dollar for each mile of the length of the route."

In Section 9, strike out "or doctor."

In Section 10, at end of first division add "on each doctor ten dollars."

In Section 10, strike out the clause as to a keeper of a boarding house.

In Section 11, strike out the provision as to stage and hack drivers.

In Section 12, strike it out.

In Section 14, at the end add "provided that permanent residents shall be allowed three months for their respective terms of assessment, return, and collection."

Section 15, strike out "as near as practicable" and insert "every three months."

In the caption strike out "and poll;" also, after "occupation" insert "and."

Pryor, Lea, Chairman
Committee of Senate
J. T. Brady, Chairman
Committee of House

The call of the Senate having been suspended, Mr.

Harcourt's amendment to the bill to amend 1st section of act to regulate the manner of liquidating claims under appropriations, etc., being under consideration. The bill was referred to Committee on Finance.

A bill to abolish the Military Board being special order for this hour 10 P.M. was taken up. Read 2nd time, and question being on the passage of the bill to a [torn] Mr. Hord moved a call of the Senate which was sustained. The Senate not being full a joint resolution in relation to claims held by counties, corporations, etc., was taken up. Report of Committee on State Affairs adversely to the bill was adopted.

Mr. Dickson offered the following resolution: *Resolved*, That the Secretary of the Senate be required to record the Senate Journals of the 2nd Extra Session of the 10th Legislature, for which service he shall receive three hundred dollars payable out of the contingent fund of the Legislature. Adopted.

The call being suspended the question on passing to its 3rd reading the bill to abolish the Military Board recurred, when the bill was laid on the table.

A joint resolution in relation to cotton and wool cards. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed. A motion to reconsider was made and carried. Mr. Guinn moved to amend by striking out "and those contracts for." Adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A joint resolution in relation to the impressment of beeves. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill making an additional appropriation for the support of the government for years 1864 and 1865. Read 1st time. Rule suspended. Read 2nd time. Mr. Jowers offered amendment for purchasing stationery for assessors and collectors and chief justices by the Comptroller. Adopted. Bill passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A message was received from the House informing the Senate of the passage of the following bills:

Joint resolution in relation to the State Penitentiary.

A bill amendatory of an act to regulate the estraying of stock, with nonconcurrence of House in Senate amendments.

Senate's bill to establish the salary of Chief Clerk of the Treasurer's office.

House bill making an appropriation for recovering or repairing roof of Governor's Mansion.

. . . and have adopted Report of Committee of Conference on bill to amend Article 702 of the Code of Criminal Procedure. Have also adopted report of Joint Committee on bill to provide for introduction of cards into this State.

Have refused to adopt Senate's substitute to a bill to raise revenue by occupation and income tax.

And also Senate's substitute to bill to repeal an act and part of an act therein named on the disagreement on the revenue by occupation and income tax. Senate adheres and asks for Committee on Conference. The same action was had on the bill to repeal an act and part of an act therein named. Messrs. Lea, Guinn, and Dickson were appointed Committee of Conference on Revenue Occupation and Messrs. Throckmorton, Haskell, and Knox on the last named bill.

The House has passed bill to amend Section 4 of an act more effectually to provide for the support and maintenance of families of Texan soldiers.

House bill to provide for the prompt return of Negroes who run away from Confederate service.

Senate's bill to make an appropriation for inclosing the State Cemetery.

Senate joint resolution of thanks to the 9th Regiment of Texas Infantry and other Texas Troops.

Senate's joint resolution in relation to the purchase of supplies from quartermasters and commissaries in certain cases.

Senate bill to define and punish the offence of obtaining money under false pretence of performing personal service.

House joint resolution in regard to frontier organization and House bill supplementary to an act making an appropriation to defray the expenses of defending the frontier for 1864 and 1865.

Senate's joint resolutions in relation to export duties on cotton and Senate's bill to regulate the disposal and unsold bonds of the State sustained by a specie tax.

A substitute for a Senate bill to dispose of sundry articles belonging to the State.

Senate's bill to regulate the salary of private secretary to the Governor.

Senate's bill to authorize railroad companies to pay their indebtedness to the State with Treasury Warrants and State Bonds.

House adoption of report of Committee of Conference on a bill raising revenue by tax on occupations and incomes.

House bill making additional appropriations for the support of the government for 1864 to 1865.

House refusal to adopt Senate's substitute bill to repeal certain acts therein named.

House bill to make an appropriation to recover or repair the roof on the old Land Office.

House bill to fix the salaries of the several librarians of the Supreme Court.¹⁸

COMMENTARY:

November 15, 1864

The Legislature¹⁹

This body adjourned *sine die* on yesterday at 7 o'clock A.M. [P.M.]. It is impossible with the means at our command to give our readers in our present issue more than a general outline of what has been done. We begin today the publication of the laws passed, which will be found on the outside of our paper. Their publication will be continued until all are laid before the people, when they can better judge whether the legislation of this Extra Session has resulted in any permanent good. The most important measures, indeed the only questions which caused the call of the Legislature, were left untouched until the last day or two of the session and were then rushed through both Houses without that degree of consideration which their importance seemed to demand. Our readers have already been informed of the passage of the peddling, truck, Penitentiary cloth bill, as it has been commonly styled. This seemed to be the *leading* measure of the session, and the financial policy was made to await definite action on this.

¹⁸The remainder of the journal for this session cannot be located.

¹⁹*Weekly State Gazette* (Austin), November 16, 1865.